

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26990 of 2021

Arising Out of PS. Case No.-102 Year-2020 Thana- SAMASTIPUR District- Samastipur

PRAMODANAND PRASAD, Son of Late Dharmavtar Prasad Resident of
Village - Kashipur, Ward No.5, P.S.- Samastipur Nagar, Distt.- Samastipur,
Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Prakash Chandra, Advocate.
For the Informant	:	Mr. Ankit Katriar, Advocate.
For the State	:	Mr. Shyam Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 09-09-2021 Heard the parties in virtual Court.

The petitioner is languishing in custody for the offence punishable under Sections 147, 148, 149, 323, 341, 354, 379, 427, 452 and 504 of the Indian Penal Code and Section 3 of the Epidemic Act.

Allegation is that the petitioner along with his criminal associates ransacked the house as well as office of the informant who is a practicing advocate at Samastipur.

Learned counsel for the petitioner submits that exaggerated statement in the F.I.R. is there just to put undue pressure in the land dispute between the parties. Learned counsel submits that Title Suit No. 271 of 2000, a suit for partition was going on in between Jagdeep Prasad Singh, the



vendor of the petitioner and Anand Kishore Prasad Sinha, the informant of this case. In the suit, the trial Judge ordered for preparation of preliminary decree. Thereafter, the petitioner purchased the new plot nos. 113, 114, 115 and 116, part of/from old plot no. 152 through registered sale deed dated 20.04.2011. It is a fact that the vendor had filed a suit for cancellation of sale deed which is still pending. But on the basis of aforesaid material, it cannot be alleged that the petitioner was marauder having no claim to go over the property mentioned. Moreover the petitioner is in jail since 12.01.2021. Investigation of the case is already complete.

Mr. Ankit Katriar, learned counsel for the informant strenuously opposed the prayer for bail on the ground that in the supervision of the SP, it has come that the petitioner and others committed highest house trespass against a law abiding citizen.

Informant had to approach this Court in writ jurisdiction for restoration of his possession which was done by the order of the Court.

Protection of fundamental right of a citizen is a quite different issue and consideration of criminal liability of an accused stands on different pedestal. If the petitioner had some genuine claim, might be a disputed claim on the property where



the offence alleged was committed, it cannot be said that the act of the petitioner was of a criminal.

Hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Samastipur Nagar P.S. Case No. 102 of 2020, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

mantreshwar/-

U		T	
---	--	---	--

